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Attorneys for Defendants  
DEPUY, INC. and DEPUY SPINE, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SPOTLIGHT SURGICAL, INC.,

Plaintiff,

v.

DEPUY, INC. and DEPUY SPINE, INC.,

Defendants.

Case No. C-07-03362 JF RS

**PLAINTIFF'S AND DEFENDANTS'  
JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
DISMISSAL OF CLAIMS WITH  
PREJUDICE**

Judge: Hon. Jeremy Fogel

1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Spotlight  
2 Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc., having resolved their  
3 disputes and executed a settlement agreement and mutual general release, HEREBY  
4 STIPULATE and agree, through their respective counsel, as follows:

5 1. The Plaintiff and the Defendants have resolved all of the claims asserted in  
6 the Complaint, and have executed a Settlement Agreement and mutual general release.

7 2. The parties have agreed that each party shall bear its own attorney's fees and  
8 costs incurred in connection with this action.

9 3. Plaintiff and Defendants jointly request that the Court dismiss the action with  
10 prejudice.  
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Respectfully submitted,

Dated: September 24, 2008

HELLER EHRMAN LLP

By /S/ BETH M. GOLDMAN  
Beth M. Goldman

Attorneys for Plaintiff SPOTLIGHT  
SURGICAL, INC.

Dated: September 24, 2008

MORGAN, LEWIS & BOCKIUS LLP

By /S/ DIANE MASON


Diane Mason

Attorneys for Defendants DEPUY, INC. and  
DEPUY SPINE, INC.

The parties having resolved their disputes and executed a Settlement Agreement and mutual general release, and good cause appearing, it is hereby ORDERED that this action is dismissed with prejudice, as is consistent with the foregoing joint stipulation of the parties.

IT IS SO ORDERED.

Dated: 9/26/08

  
The Honorable Jeremy Fogel  
United States District Judge